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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,801	01/22/2002	Uma Chandrashekhhar	CHANDRASHEKHAR 1-2-1-2-2-	4733
46363	7590	04/14/2006	EXAMINER	
PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			DOAN, DUYN MY	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/053,801	Applicant(s) CHANDRASHEKHAR ET AL.	
	Examiner Duyen M. Doan	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

***Claims 1-36 are presented for examination.***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Bellinger (us 2002/0169858).

As regarding claim 18, Bellinger disclosed an enhanced application portal (EAP), for providing said user interface to said VPN user and receiving therefrom VPN administration commands (see Bellinger pg.4, par 52, pg.5, par 70, also see Fig.1, portal); a policy server, for communicating configuration parameters to network elements providing said VPN, said network configuration parameters determined according to VPN administration commands and profiles associated with said VPN administration commands (see Bellinger pg.3, par 45-46); and a directory server, for storing VPN topology and operational parameters and providing said VPN topology and

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operational parameters to said policy server and said EAP, said VPN topology and operational parameters being updated by said EAP (see Bellinger pg.4, par 50-55).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-17, 19-20, 25-30, 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinger et al (us 2002/0169858) (hereinafter Bellinger) in view of Roch et al (us 2005/0088977) (hereinafter Roch).

As regarding claim 1, Bellinger disclosed a plurality of internet protocol (IP) services aggregation switches for communicating between respective access networks and a core network, each of said IP services aggregation switches communicating with at least one respective user (pg.3, par 44, service delivering point); and a dynamic virtual private network (VPN) manager, for providing customer network management and policy server functions including a user interface enabling remote management of a VPN by a user (pg.3, par 49, pg.4, par 50, controller).

Bellinger did not expressly disclosed VPN having at least one of a defined quality of service (QoS) parameter, a defined security parameter and a corresponding billing

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rate, at least one of said QoS parameter and said security parameter being adapted in response to user commands provided to said dynamic VPN manager.

Roch taught VPN having at least one of a defined quality of service (QoS) parameter, a defined security parameter and a corresponding billing rate, at least one of said QoS parameter and said security parameter being adapted in response to user commands provided to said dynamic VPN manager (pg.2, par 16-21).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Roch to the system of Bellinger because having the QoS parameter, security parameter and corresponding billing rate, and these parameters response to user command, would enables cost-effective use of a secure VPN tunnel (see Roch pg.1, par 8, 10).

As regarding claim 2, Bellinger-Roch disclosed dynamic VPN manager adapts at least one of said IP services aggregation switches to provide at least one of a guaranteed QoS parameter and a guaranteed security parameter to said VPN (see Bellinger pg.3, par 49).

As regarding claim 5, Bellinger-Roch disclosed QoS parameter comprises at least one of a bandwidth parameter, a jitter parameter and a delay (see Bellinger pg.2, par 14).

As regarding claim 6, Bellinger-Roch disclosed security parameter comprises at least one of an encryption parameter, an authentication parameter and a filtering parameter (see Roch pg.1, par 4-6). The same motivation was utilized in claim 1 applied equally well to claim 6.

As regarding claim 7, Bellinger-Roch disclosed VPN supports at least one of an interactive gaming application and a conferencing application (see Bellinger pg.6, par 80, 87).

As regarding claim 8, Bellinger-Roch disclosed dynamic VPN manager is responsive to a user command to establish an application profile for a VPN, said application profile defining at least one of a QoS parameter, a security parameter and a corresponding billing rate for said VPN during at least one time period (see Roch pg.2, par 16-21); said dynamic VPN manager adapting said at least one of a QoS parameter and a security parameter of said VPN according to said application profile (see Roch pg.2, par 16-21). The same motivation was utilized in claim 1 applied equally well to claim 8.

As regarding claim 9, Bellinger-Roch disclosed a command received from a user comprises a user selection of one of a plurality of VPNs to join (see Roch pg.2, par 21, pg.1, par 7). The same motivation was utilized in claim 1 applied equally well to claim 9.

As regarding claim 10, Bellinger-Roch disclosed a command received from a user comprises a user selection of one of a plurality of applications based on VPNs to join (see Roch pg.1, par 7, pg.2, par 21). The same motivation was utilized in claim 1 applied equally well to claim 10.

As regarding claim 11, Bellinger-Roch disclosed plurality of VPNs have at least one of respective QoS requirements and security requirements, said QoS and security requirements having corresponding billing rates (see Bellinger pg.4, par 55, pg.5, par 64, pg.6, par 80-84).

As regarding claim 12, Bellinger-Roch disclosed plurality of applications have at least one of respective QoS requirements and security requirements, said QoS and security requirements having corresponding billing rates (see Bellinger pg.4, par 55, pg.5, par 64, pg.6, par 80-84).

As regarding claim 13, Bellinger-Roch disclosed an enhanced application portal (EAP), for providing said user interface to said VPN user and receiving therefrom VPN administration commands (see Bellinger pg.4, par 52, pg.5, par 70, also see Fig.1, portal); a policy server, for communicating configuration parameters to network elements providing said VPN, said network configuration parameters determined according to VPN administration commands and profiles associated with said VPN administration commands (see Bellinger pg.3, par 45-46); and a directory server, for storing VPN topology and operational parameters and providing said VPN topology and operational parameters to said policy server and said EAP, said VPN topology and operational parameters being updated by said EAP (see Bellinger pg.4, par 50-55).

As regarding claim 14, Bellinger-Roch disclosed dynamic VPN manager further comprises: at least one element management system (EMS) for managing a plurality of network elements forming said VPN (see Bellinger pg.3, par 49).

As regarding claim 15, Bellinger-Roch disclosed apparatus is included within an internet service provider (ISP) network including said access networks and said core network, said dynamic VPN manager being included within a data center of said ISP (see Bellinger Fig.1, Noc of Internet service provider 10).

As regarding claim 16, Bellinger-Roch disclosed VPN has associated with it a respective name; said user being able to perform at least one of a VPN create, VPN modify, VPN store and VPN delete, command using said VPN name (see Roch pg.2, par 21, Bellinger also disclosed this limitation pg.2, par 16); said VPN modify command allows said user to modify at least one of said VPN's topology, QoS parameter, and security parameter (see Roch pg.2, par 21, Bellinger also disclosed this limitation pg.2, par 16). The same motivation was utilized in claim 1 applied equally well to claim 16.

As regarding claim 17, Bellinger-Roch disclosed VPN is retrieved from storage, activated and deactivated using a corresponding VPN name (see Bellinger pg.2, par 16).

As regarding claim 19, Bellinger-Roch disclosed at least one element management system (EMS) for managing a plurality of network elements forming said VPN (see Bellinger pg.3, par 49).

As regarding claim 20, Bellinger-Roch disclosed a managed VPN has associated with it at least one of a defined quality of service (QoS) parameter, a defined security parameter and corresponding billing rate, at least one of said QoS parameter and said security parameter being adapted in response to said VPN administration commands (see Roch pg.2, par 16-21). The same motivation was utilized in claim 1 applied equally well to claim 20.

As regarding claim 25, Bellinger disclosed retrieving a profile associated with said user request (pg.4-5, par 60-64); and providing configuration parameters to at least one network element in response to said user request or said profile associated with



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said user request, said network element adapted by said configuration parameter to satisfy said parameter of said VPN (pg.4-5, par 60-64).

Bellinger did not expressly disclose receiving, from an authorized user, a request to activate, deactivate, join, leave or modify a parameter of a virtual private network (VPN).

Roch taught receiving, from an authorized user, a request to activate, deactivate, join, leave or modify a parameter of a virtual private network (VPN) (pg.2, par 21).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Roch to the system of Bellinger because allow user to activate, deactivate, join, leave or modify a parameter of a virtual private network (VPN), would enables cost-effective use of a secure VPN tunnel (see Roch pg.1, par 8, 10).

As regarding claim 26, Bellinger-Roch disclosed application executes on an enhanced application portal (see Bellinger Fig.1, portal, pg.4, par 52, pg.5, par 70).

As regarding claim 27, Bellinger-Roch disclosed parameter to be modified comprises a quality of service (QoS) parameter, said QoS parameter adapting a data flow through a network such that a minimum QoS level is guaranteed to at least a portion of said VPN traversing said network (see Roch pg.2, par 16-21). The same motivation was utilized in claim 1 applied equally well to claim 27.

As regarding claim 28, Bellinger-Roch disclosed parameter to be modified comprises a security parameter, said security parameter adapting a data flow through a

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network such that a minimum security level is guaranteed to at least a portion of said VPN traversing said network (see Bellinger pg.4, par 55; also see Roch pg.2, par 21).

As regarding claim 29, the limitations are similar to claim 5, therefore rejected for the same rationale as claim 5.

As regarding claim 30, the limitations are similar to claim 6, therefore rejected for the same rationale as claim 6.

As regarding claim 33, the limitations are similar to claim 16, therefore rejected for the same rationale as claim 16.

As regarding claim 34, the limitations are similar to claim 17, therefore rejected for the same rationale as claim 17.

As regarding claim 35, Bellinger disclosed retrieving a profile associated with said user request (pg.4-5, par 60-64); and providing configuration parameters to at least one network element in response to said user request or said profile associated with said user request, said network element adapted by said configuration parameter to satisfy said parameter of said VPN (pg.4-5, par 60-64).

Bellinger did not expressly disclose receiving, from an authorized user, a request to activate, deactivate, join, leave or modify a parameter of a virtual private network (VPN).

Roch taught receiving, from an authorized user, a request to activate, deactivate, join, leave or modify a parameter of a virtual private network (VPN) (pg.2, par 21).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Roch to the system of Bellinger

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because allow user to activate, deactivate, join, leave or modify a parameter of a virtual private network (VPN), would enables cost-effective use of a secure VPN tunnel (see Roch pg.1, par 8, 10).

As regarding claim 36, Bellinger-Roch disclosed application executes on an enhanced application portal (see Bellinger Fig.1, portal, pg.4, par 52, pg.5, par 70).

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinger and Roch as applied to claim 1 above, and further in view of Field (us pat 6778529).

As regarding claims 3, Bellinger and Roch disclosed all limitations of claims 1 above but did not expressly disclose IP services aggregation switches communicate with said at least one respective user via a respective enhanced integrated access device (EIAD).

Field taught IP services aggregation switches communicate with said at least one respective user via a respective enhanced integrated access device (EIAD) (see Field col.4, lines 58-67, col.5, lines 6-23).

It would have obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Field to the system of Bellinger-Roch because having the EIAD communicate between the service provider and the customer would enable the customer device and the internet service provider communicate with each other in different formats (see Field col.5, lines 6-23).

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As regarding claim 4, Bellinger-Roch-Field disclosed dynamic VPN manager adapts at least one of said enhanced integrated access devices (EIAD) to provide at least one of a guaranteed QoS parameter and a guaranteed security parameter to said VPN (see Field col.4, lines 58-67, col.5, lines 6-23). The same motivation utilized in claim 3 applied equally well to claim 4.

Claims 21-24, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinger in view of Forslow (us 2002/0069278).

As regarding claims 21, Bellinger disclosed all limitations of claims 18 above but did not expressly disclose dynamic VPN manager is included within a Universal Mobile Telecommunications Services (UMTS) packet transport network, said access networks comprising Gateway Generalized Packet Radio Service support nodes (GGSNs), said user accessing said UMTS packet transport network said dynamic VPN manager causing communications with said user communication device to be routed through a GGSN geographically proximate said user communications device.

Forslow taught dynamic VPN manager is included within a Universal Mobile Telecommunications Services (UMTS) packet transport network, said access networks comprising Gateway Generalized Packet Radio Service support nodes (GGSNs), said user accessing said UMTS packet transport network said dynamic VPN manager causing communications with said user communication device to be routed through a GGSN geographically proximate said user communications device (pg.1, par 20-24).

It would have obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Field to the system of Bellinger because having the VPN manager included within UMTS would enable the mobile users to roam between access networks with little or no intervention (see Forslow pg.2, par 27).

As regarding claim 22, Bellinger-Forslow disclosed determination of geographic location is made during an authentication procedure (see Forslow pg.1, par 3-4, pg.2, par 27-30). The same motivation was utilized in claim 21 applied equally well to claim 22.

As regarding claim 23, Bellinger-Forslow disclosed apparatus is included within a CDMA-2000 packet transport network, said access networks comprising home agents, said user accessing said CDMA-2000 packet transport network with a communications device nominally assigned to a home agent (see Forslow pg.1 par 5-10, page 2, par 27-30); said dynamic VPN manager causing communications with said user communication device to be routed through a home agent geographically proximate said user communications device (see Forslow pg.1 par 5-10, page 2, par 27-30). The same motivation was utilized in claim 21 applied equally well to claim 23.

As regarding claim 24, the limitation is similar to claim 22, therefore rejected for the same rationale as claim 22.

As regarding claim 31, Bellinger-Forslow disclosed VPN supports at least one application having associated with it at least one of respective QoS requirements and

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security requirements, said QoS and security requirements having corresponding billing rates (see Bellinger pg.4, par 55, pg.5, par 64, pg.6, par 80-84).

As regarding claim 32, Bellinger-Forslow disclosed at least one of an interactive gaming application and a conferencing application (see Bellinger pg.6, par 80, 87).

### ***Response to Arguments***

#### **Response to Applicant's Affidavit filed Under 37 C.F.R. 1.131**

The Affidavit filed on 1/31/06 under 37 C.F.R. 1.131 has been considered but is ineffective to overcome the 35 U.S.C. 102(e) rejection utilizing **Bellinger et al (us 2002/0169858)**.

1. Applicant is attempting to establish priority of invention by means of a showing reduction to practice of the invention prior to the effective date of the Bellinger et al reference.

#### **GENERAL CONSIDERATIONS**

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements

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in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred."). (MPEP 715.07)

## **REDUCTION TO PRACTICE**

2. In general, proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose. See MPEP 715.07
3. For an actual reduction to practice, the invention must have been sufficiently tested to demonstrate that it will work for its intended purpose, but it need not be in a commercially satisfactory stage of development. (See MPEP 2138.05)

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4. In order to establish prior invention, the evidence must show that the ***claimed*** invention is what was reduced to practice prior to the date of the reference sought to be antedated.

5. Applicants have submitted an affidavit regarding an internal document by the inventors prior to May 11, 2001. Applicants rely on statements in the affidavit and the supporting exhibits to establish reduction to practice of the claimed invention.

6. As will be explained in detail below, the affidavit and supporting exhibits are not sufficient to prove reduction to practice.

a) The affidavit does not satisfy the requirements stated in (MPEP 715.04), in the sense that the affidavit was not signed by all of the inventors. The petition under 37 CFR 1.47 was not filed or there is no evidence shows that the application was accepted under 37 CFR 1.41 or 1.43.

b) Applicant has failed to provide a CLEAR explanation of how the exhibits support the reduction to practice of the claimed invention. See MPEP 715.07.

Note, that this is merely one example of the lack of clear explanation. The burden is on applicant to provide a proper declaration and supporting exhibits in order to establish prior invention.



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As regard to Applicant's argument on other issues, because the arguments are all based on the invalidity of Bellinger et al as a prior art, since the affidavit is ineffective, the argument regarding Roch deficiency is therefore moot.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

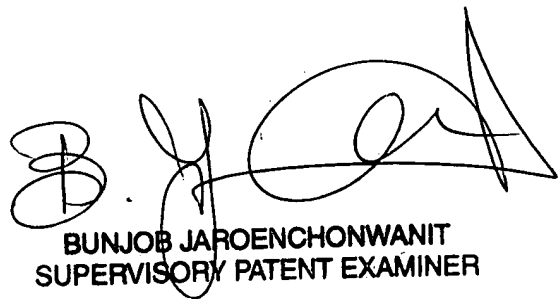
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner  
Duyen Doan  
Art unit 2143



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER